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**By E-Filing**

March 29, 2019

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

Re: STB Finance Docket No. 35982, Jackson County, Missouri – *Acquisition and Operation Exemption – Union Pacific Railroad Company*

Dear Ms. Brown:

Enclosed for filing in the above-referenced proceeding is Jackson County's Supplemental Response to the Petition for Revocation filed by Deborah S. Groh et al., in this proceeding.

If you have any questions about the enclosed, please contact me.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ed Fishman", with a long horizontal flourish extending to the right.

Edward Fishman

Partner  
ed.fishman@hoganlovells.com  
D 202 637-3692

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**FINANCE DOCKET NO. 35982**

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**JACKSON COUNTY, MISSOURI  
-- ACQUISITION AND OPERATION EXEMPTION--  
UNION PACIFIC RAILROAD COMPANY**

**VERIFIED NOTICE OF EXEMPTION  
Pursuant to 49 C.F.R. § 1150.31**

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**SUPPLEMENTAL RESPONSE OF  
JACKSON COUNTY**

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*Counsel for Jackson County, Missouri*

Dated: March 29, 2019

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SURFACE TRANSPORTATION BOARD**

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**SUPPLEMENTAL RESPONSE  
OF JACKSON COUNTY**

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Jackson County, Missouri ("Jackson County"), a political subdivision of the State of Missouri, files this Supplemental Response in accordance with the Board's decision in this proceeding served on March 22, 2019. The information set forth in this Supplemental Response confirms that Jackson County's development of a public recreational trail on portions of the line of railroad that it acquired from the Union Pacific Railroad Company ("UPRR") pursuant to the Notice of Exemption ("Notice") that was filed in this proceeding on December 23, 2015 is not inconsistent with Jackson County's common carrier obligation to provide freight rail service to any customer that may require such service in the future.

## INTRODUCTION<sup>1/</sup>

After the Board-appointed mediators notified the Board that the parties were unsuccessful in their attempt to reach a settlement, the Board removed this proceeding from abeyance and directed Jackson County to submit the Supplemental Response described in the Board's decision served on February 5, 2019. In that decision, the Board requested further input on the following specific factual issues: (i) whether Jackson County is developing its recreational trail on the rail bed along the Corridor, or adjacent to the rail bed within the right-of-way along the Corridor; (ii) whether the tunnel that appears to be shown in Exhibit 18 of the Petition for Revocation can accommodate both track and a recreational trail; and (iii) the significance of the "hierarchy pyramid" attached to Exhibit A of Jackson County's Reply.

In addition to asking Jackson County to supplement the record on the factual issues described above, the Board seeks Jackson County's view on how its activities with respect to development of the public recreational trail on portions of the Corridor are consistent with its common carrier obligation over the line of railroad that it acquired from UPRR. Finally, the Board asks Jackson County to explain whether its intentions toward freight rail service have changed since the filing of its Notice in December 2015.

For the reasons described in Jackson County's Reply and this Supplemental Response, the Board should reject the Petition for Revocation because the Petitioners have failed to meet their burden of proving that the Notice filed by Jackson County in December 2015 was false or misleading. Under 49 U.S.C. §10502(d), the Board has the authority to revoke the Notice if it

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<sup>1/</sup> The factual background and procedural history of this proceeding has been described in prior Board decisions and will not be repeated here except as directly relevant to this Supplemental Response. For consistency of reference, any capitalized terms that are not defined in this Supplemental Response shall have the meaning ascribed to such terms in the Reply in Opposition to Petition for Revocation that Jackson County filed in this proceeding on November 13, 2018 ("Jackson County's Reply").

finds that regulation is necessary to carry out the rail transportation policy of 49 U.S.C. § 11101. The party seeking to revoke a notice of exemption carries the burden of proof “by articulating reasonable, specific concerns to satisfy the revocation criteria.” *Sea Lion Railroad – Abandonment Exemption – in King County, WA*, Docket No. AB-544X, slip op. at 5 (STB served Aug. 11, 1998). The Petitioners have failed to meet that burden here since Jackson County was transparent from the outset about its plans to use portions of the Corridor that it planned to acquire from UPRR for a recreational trail and possible future commuter rail service, and because Jackson County’s development of the shared-use recreational trail has been done in a manner consistent with Jackson County’s common carrier obligation to provide freight rail service (through a contract operator) to any customer that reasonably requests such service in the future.

### **SUPPLEMENTAL INFORMATION**

#### **A. Jackson County’s Development of the Recreational Trail Is Fully Consistent With Its Common Carrier Obligation**

From the outset of this proceeding, Jackson County has been transparent about its plans to develop a public recreational trail along portions of the Corridor that it acquired from UPRR in April 2016.<sup>2/</sup> Throughout the planning process, Jackson County has taken numerous steps to ensure that the development of that recreational trail is done in a manner consistent with its common carrier obligation to provide rail service over the rail line in the future (through a contract operator) if any rail customer reasonably requests such service under 49 U.S.C. § 11101.

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<sup>2/</sup> Jackson County also has been transparent about the possible future use of the Corridor for commuter rail service or other transportation uses.

1. Jackson County's Placement of the Recreational Trail on the Rail Bed Along Portions of the Corridor Is Consistent With Jackson County's Common Carrier Obligation

As noted in Jackson County's Reply,<sup>3/</sup> Jackson County has placed certain sections of its recreational trail on the rail bed itself rather than adjacent to the rail bed with the understanding that such sections of the trail on the rail bed would be relocated (to the extent necessary) in the event that Jackson County is required to provide future freight rail service (through a contract operator) pursuant to its common carrier obligation. This is being done primarily in the southern section of the Corridor between approximately MP 280.72 (near 75<sup>th</sup> Street) and approximately MP 271.97 (near Jefferson Street), a distance of approximately 8.75 miles. The recreational trail will be placed adjacent to the rail bed on most of the northern section of the Corridor between approximately MP 280.72 (near 75<sup>th</sup> Street) and approximately MP 285.23 (near the Blue Ridge Cutoff).<sup>4/</sup>

The recreational trail has been placed on the rail bed itself (primarily in the southern section of the Corridor) because of the substantial public cost savings and efficiencies that were achieved by avoiding the need to develop a separately graded area adjacent to the rail bed for the recreational trail. <sup>5/</sup> To the extent the recreational trail is placed directly on the rail bed, it has been or will be done by Jackson County with the understanding that the trail will be relocated (to

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<sup>3/</sup> Jackson County Reply at 4 n.4.

<sup>4/</sup> Based on current engineering plans for the Shared Use Path Alignment, this will be done except in two limited locations where it makes more sense from an engineering and cost perspective to place the recreational trail directly on the rail bed in the northern section because of the alignment of the Corridor in those locations. The map attached hereto as **Exhibit A** illustrates in red the southern section of the Corridor where the recreational trail has been or will be placed on the rail bed and the other two limited locations in the northern section where the recreational trail will be placed on the rail bed. The references to Phase One and Phase Two on that map refer to different stages of the planned rehabilitation of the Corridor by Jackson County.

<sup>5/</sup> As explained further below, all track and related track material has been or will be removed from the rail bed in the southern section of the Corridor and the rail bed has been or will be re-graded in that section as part of Jackson County's substantial rehabilitation work in the Corridor.

the extent necessary) in the event that Jackson County is required to provide future freight rail service (through a contract operator) pursuant to its common carrier obligation.<sup>6/</sup>

2. Jackson County's Planned Removal of All Track, Ties and Ballast From the Southern Section of the Corridor Is Necessary To Prepare the Corridor For Future Rail Service

The rail line that Jackson County acquired from UPRR in April 2016 has been out of service for decades, has no active rail customers, and was in a state of complete disrepair that made it unusable for rail service without substantial capital improvements.<sup>7/</sup> After acquiring the Corridor, Jackson County engaged TranSystems (an engineering and design firm) to perform a rail corridor assessment. TranSystem concluded after conducting its field review work in June of 2017 that the track, ties, ballast and associated rail infrastructure on much of the line would have to be completely removed and replaced before the line could be used for any type of rail service in the future.<sup>8/</sup>

Specifically, the TranSystems Report states the following: "There are multiple locations where the rail has been removed, missing or buried. The track has been removed at most roadway grade crossings or has been paved over with asphalt. The ballast is full of mud and sediment (fouled) or missing along the entire corridor. The crossties are in very poor condition and in most cases not attached to the rail. In multiple locations, the ballast and crossties a[re] covered with soil."<sup>9/</sup> The deteriorated condition of the track and related rail infrastructure was

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<sup>6/</sup> Jackson County is not planning to develop a recreational trail on the northern end of the Corridor (between approximately MP 288.3 and approximately MP 285.23) or the southern end of the Corridor (between approximately MP 270.6 and approximately MP 271.97).

<sup>7/</sup> See Exhibit 12 to the Petition for Revocation (describing the trash-strewn, overgrown and unpassable right-of-way that Jackson County was planning to acquire from UPRR, including a chain-link security fence installed by an adjacent landowner that bisected the right-of-way and rail crossings that had been paved over; also noting that Jackson County estimated at the time that it would cost over \$1 million per mile to rehabilitate the Corridor for future transportation use).

<sup>8/</sup> A copy of this TranSystems Report dated July 12, 2017 is attached hereto as **Exhibit B**. Certain pictures that were taken by TranSystems during that rail corridor assessment are attached hereto as **Exhibit C**.

<sup>9/</sup> See TranSystems Report at 2.

particularly severe in the southern 8.75-mile section of the Corridor between 75<sup>th</sup> Street (from the north) and Jefferson Street (from the south) where the recreational trail is being placed on the rail bed. Specifically, the TranSystems report provided the following details about the condition of the track on the southern section of the Corridor:

- 75<sup>th</sup> Street to Blue Parkway: crossties are in very poor condition and rail is not attached to the plates or crossties in many locations, rail has been cut and is missing in certain locations, and the track roadbed is being used as a haul road;
- Blue Parkway to Brickyard Road: crossties are in very poor condition and rail is not attached to the plates or crossties in many locations, track is buried in other locations, and track has been removed across Brickyard Road;
- Brickyard Road to 98<sup>th</sup> Street: crossties are in very poor condition and rail is not attached to the plates or crossties in many locations;
- 98<sup>th</sup> Street to Chipman Road: crossties are in very poor condition, rail is not attached to the plates or crossties in many locations, and track is missing;
- Chipman Road to 3<sup>rd</sup> Street: crossties are in very poor condition, rail is not attached to the plates or crossties in many locations, and a 20-foot section of the west rail has been torch cut and removed;
- 3<sup>rd</sup> Street to Longview Road: crossties in very poor condition, rail is not attached to the plates or crossties in many locations, and track has been removed across Longview Road;
- Longview Road to Ward Road: crossties are in very poor condition, rail is not attached to the plates or crossties in many locations, track is buried and rail has been removed in various locations;
- Ward Road to Jefferson Street: crossties are in very poor condition, rail is not attached to the plates or crossties in many locations, track is buried or has been removed in various locations, and certain portion of segment not accessible due to fencing installed across the right-of-way.<sup>10/</sup>

Based on the missing and/or poor condition of the track, degraded condition of the rail bed and extensive vegetation along much the Corridor, TranSystems concluded that “removal of the vegetation and reconstruction of the track section will require the track to be completely

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<sup>10/</sup> See TranSystems Report at 5-7



removed and realigned prior to placing the track back into service...”<sup>11/</sup> Thus, Jackson County has expended considerable public funds to rehabilitate the southern segment of the Corridor through the clearing of all vegetation, removal of all unusable and non-contiguous track and related track materials, and complete re-grading of the entire rail bed in order to preserve the integrity of the right-of-way for possible future rail service.

All of this initial rehabilitation work on the Corridor (including the removal of all track, ties and ballast on the southern section) *would have had to occur anyway* before Jackson County could put itself in a position to provide (through a contract operator) any common carrier freight service on the line that may be required in the future. Jackson County has used the cleared and re-graded rail bed for its recreational trail (primarily on the southern segment of the Corridor) because it made sense to do that from a cost and engineering perspective.<sup>12/</sup> Jackson County remains committed to relocating those portions of the recreational trail on the rail bed (as necessary) to accommodate any new track that would have to be installed in the future in order to provide freight rail service pursuant to its common carrier obligation.<sup>13/</sup> Therefore, Jackson County’s placement of the recreational trail on portions of the rail bed itself along the Corridor is consistent with its efforts to preserve the Corridor as part of the interstate rail network and its obligation to provide common carrier service (through a contract operator) upon reasonable request if required to do so in the future.<sup>14/</sup>

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<sup>11/</sup> *Id.* at 2.

<sup>12/</sup> The northern section of the Corridor also is in poor condition. *See* TranSystems Report at 2-5. However, based on current engineering plans, Jackson County intends to leave the majority of the rail and ties in place on this northern segment of the Corridor and will develop its recreational trail adjacent to the rail bed in this segment (except for limited locations where the width of the Corridor will not accommodate such adjacent development).

<sup>13/</sup> Based on the deteriorated condition of the rail corridor that Jackson County acquired from UPRR, any resumption of common carrier freight rail service would require substantial capital improvements.

<sup>14/</sup> Jackson County has taken additional steps to preserve the integrity of the Corridor for possible future common carrier rail service. Although Jackson County has removed a railroad bridge over Chipman Road as part of its initial rehabilitation project, it has set aside \$2 million in funds that will be available to reconstruct this bridge and an adjacent pedestrian structure in the event that it must provide common carrier freight rail service over the line

**B. The Shared Use Path Plans For The Bannister Road Tunnel Area Have Been Designed To Accommodate Both Future Track and An Adjacent Recreational Trail**

The Board's February 5, 2019 decision states that one of the pictures submitted as part of Exhibit 18 of the Petition for Revocation shows a tunnel, and the Board seeks clarification as to whether any such tunnel would be able to accommodate both track and a recreational trail. Jackson County believes that the Board's decision is referring to the old railroad tunnel under Bannister Road on the southern portion of the Corridor.<sup>15</sup> The Shared Use Path Project engineering plans for the tunnel under Bannister Road account for both the future reinstallation of track through the tunnel and the development of an adjacent recreational trail. If Jackson County were required to reinstall track through the Bannister Road tunnel in order to fulfill any common carrier obligation to provide future freight rail service, Jackson County would not use the tunnel for both uses but instead would reroute the recreational trail outside the tunnel along the Little Blue Trace Alignment which follows the Little Blue River.

**C. The Hierarchy Pyramid Confirms Jackson County's Adherence To Its Obligations As A Common Carrier On the Line of Railroad That It Acquired From UPRR**

The Board's February 5, 2019 decision seeks further information from Jackson County on the significance of the hierarchy pyramid that was attached to Jackson County's Reply. Although this pyramid when viewed in isolation could be subject to different interpretations, it was intended to illustrate that the common carrier obligation is the underlying regulatory obligation which has guided all of the planning, rehabilitation and project development work

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in the future. Similarly, Jackson County has installed an E-80 rated triple reinforced concrete box culvert in the southern section of the Corridor to fill a 30-foot gap in the right-of-way.

<sup>15</sup> See TranSystems Report at 6 ("The track runs through 98<sup>th</sup> Street and the track goes through a tunnel under Bannister Road. Tunnel dimensions are noted on the Shared Use Path engineering plans."). This track through the tunnel has been removed as part of Jackson County's Phase One project for rehabilitating the southern section of the Corridor.

undertaken by Jackson County on the Corridor. This is confirmed by the agreement to which the hierarchy pyramid is attached and incorporated by reference, as explained below.

The Rock Island Maintenance and Management Program Agreement (“Maintenance and Management Agreement”) dated February 22, 2017 between Jackson County and the Kansas City Area Transportation Authority (“KCATA”) sets forth the respective rights and obligations of the signatories with respect to the management, maintenance and operation of the Corridor.<sup>16/</sup> Pursuant to the Maintenance and Management Agreement, Jackson County has agreed to preserve and maintain the Corridor in accordance with the hierarchy pyramid attached thereto as Exhibit A. The hierarchy pyramid illustrates that Jackson County’s priority from a legal standpoint with respect to the Corridor is its common carrier obligation, followed by its contractual commitment with KCATA to cooperate in the development of regional transit use of the Corridor, followed by the County’s own plans to develop the Shared Use Path Project. Conversely, from a projected implementation standpoint, the hierarchy pyramid illustrates that the initial development work on the Corridor would be focused on the Shared Use Path Project, followed by any regional transit plans initiated by KCATA, while preserving the Corridor in all cases for the future possibility of resuming freight rail service if required under 49 U.S.C. § 11101 in the future as a result of Jackson County’s common carrier obligation.

Several other sections of the Maintenance and Management Agreement reinforce the significance of the hierarchy: (i) the Recitals section affirms that Jackson County is a “common carrier” subject to the Board’s jurisdiction; (ii) Section 1.5 provides that the Joint Rock Island Committee formed by the signatories “shall abide by the guiding principle of focusing on the

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<sup>16/</sup> The Maintenance and Management Agreement was attached as Exhibit A to Jackson County’s Reply, and the hierarchy pyramid is included as Exhibit A thereto. Pursuant to a separate Cooperative Agreement dated January 15, 2016, Jackson County and KCATA formed a regional partnership to enhance the condition, viability and use of the Corridor.

County's common carrier status and the integrity of the Railroad Corridor to protect the investment being made by the County and KCATA;" and (iii) Section 1.3 specifies that Jackson County "will remain responsible for the management, maintenance and security of freight railroad activities that are independent of the Multi-Modal Project and the management, maintenance and security of the Shared Use Path..." In furtherance of all of these commitments, Jackson County has considered, at all stages of its planning, development and implementation of the Shared Use Path Project, the need to preserve the integrity of the Corridor for possible future freight rail service in accordance with its common carrier obligation. This is reflected in the substantial efforts that Jackson County has made to rehabilitate and preserve the continuity of the Corridor as described above.

#### **D. Jackson County's Intentions Toward Freight Rail Service**

The Board also asks Jackson County to explain if its intentions toward freight rail service have changed since filing its Notice in December 2015. For the reasons explained above, Jackson County has been committed to preserving the integrity of the Corridor as part of the interstate rail network in order to be in a position to provide common carrier freight rail service in the future (through a contract operator) to any customer who requires such service. Jackson County's rehabilitation of the Corridor, removal of track and development of its recreational trail within portions of the Corridor have been consistent with this position.

## **CONCLUSION**

For the reasons set forth in Jackson County's Reply and this Supplemental Response, Jackson County respectfully requests that the Board deny the Petition for Revocation because the Petitioners have failed to meet their burden of proving that the Notice filed by Jackson County should be revoked.

Respectfully submitted,



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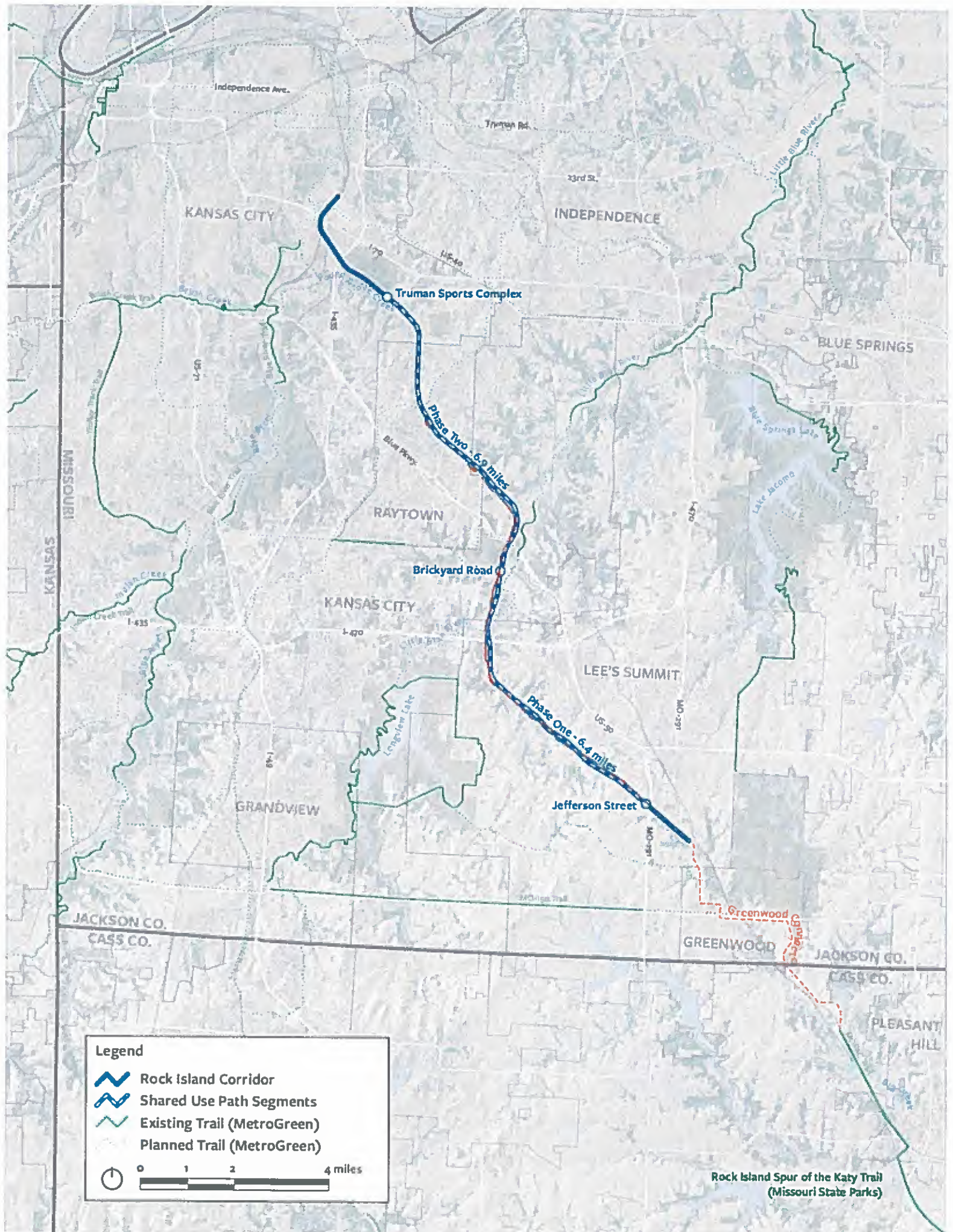
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*Counsel for Jackson County, Missouri*

Dated: March 29, 2019

# Exhibit A







# **Exhibit B**

## Memorandum

To: Josh Boehm, Development Manager  
Rock Island Rail Corridor Authority

From: Sara Clark

Date: July 12, 2017

CC: Scott Lesovsky, Frank Weatherford, John  
Zimmermann, David Hurt

**Subject: Rock Island Corridor Assessment**

TranSystems conducted a field review documenting the condition of the railroad corridor in relation to supporting freight service based on guidance provided by the Federal Railroad Administration (FRA) in 49 CFR Part 213. The field review was conducted on June 16, 2017, June 19, 2017 and the morning of June 21, 2017 working from the northern extent near Stadium Drive in Kansas City, Missouri to the southern extent at Jefferson Street in Lee's Summit, Missouri.

Based on the field assessment of the Rock Island Corridor in Jackson County, MO, substantial rehabilitation of the track, ties, ballast and other infrastructure elements would be necessary to provide freight service.

### Overall Corridor

Below is a general overview of the entire corridor taking into account review of the Roadbed, Track Geometry and Track Structure that will be followed by more detailed review by segment between road crossings. Stationing called out in the segments refer to the existing track stationing found in the Rock Island Rail Corridor Shared Use Path Plans (southern segment plan set dated May 26, 2017 and northern segment plan set dated May 26, 2017).

#### Roadbed

The track roadbed along the entire corridor is heavily vegetated with trees and brush from small to large growing through the track structure, track roadbed, adjacent ditches, and cut and fill slopes. The track roadbed consists of fill and cut sections. Many of the fill sections are narrow (less than 20 feet wide). Many of the cut sections are narrow (less than 20 feet wide) at the bottom with steep back slopes and adjacent ditches were filled in or nonexistent. A standard railroad typical section is 24 feet at the top with a cut or fill slope. In cut sections there is a 3 foot deep flat bottom ditch that is typically 8 to 10 feet in width on each side. Drainage within the cut sections is poor with standing water evident in many locations. Also, many of the cut sections were excavated through rock and large stones have become loose and rolled down near or onto the track.

#### Track Geometry

Track gage was measured periodically and will be discussed in the segment sections below. Standard track gage is 4-8 1/2". Verification of track alignment, and measurement of horizontal curvature, superelevation and superelevation runoff was not feasible due to the existing vegetation and poor condition of the track. As

discussed in the section below related to condition of the track structure, removal of the vegetation and reconstruction of the track section will require the track to be completely removed and realigned prior to placing the track back into service; therefore, measurement of the track geometry would be irrelevant at this time.

### **Track Structure**

The track section consists of 110 lb. jointed rail on single shoulder tie plates, spiked to wood crossties. Rail dates range from 1929 to 1930. The rail head width is 2 5/8 inches; new rail has a head width of 2 25/32 inches. Most of the joint bars and bolts are intact. There are several sections where the rail was cut with a torch and removed instead of cutting with a rail saw, which are noted in the segment descriptions. Rail anchors are missing throughout. There are multiple locations where the rail has been removed, missing or buried. The track has been removed at most roadway grade crossings or has been paved over with asphalt. The ballast is full of mud and sediment (fouled) or missing along the entire corridor. The crossties are in very poor condition and in most cases not attached to the rail. In multiple locations the ballast and crossties are covered with soil.

## **Stadium Drive to Lancer Lane (Station 227+00 to 261+50)**

### **Roadbed**

This segment is heavily vegetated with large trees (greater than 6" in diameter) within the track section. At fill locations the edge of shoulder is 10 to 11 feet from centerline of track. In cut sections the ditch is filled in or missing. Standing water and mud is noted under Highway 435. The track roadbed is washed out near station 256+00.

### **Track Geometry and Track Structure**

Track gage ranges from 4'-8 1/4" to 4'-8 1/2". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The track is buried from station 240+00 to 242+00.

## **Lancer Lane to Sportsman Drive (Station 261+50 to 306+00)**

### **Roadbed**

The segment is heavily vegetated with large trees (greater than 6" in dia.) within the track section. At fill locations the edge of shoulder is 11 to 14 feet from centerline of track. In cut sections the ditch is filled in or missing. Within the cut section around station 284+00 rock from the cut above has worked its way down to the track.

### **Track Geometry and Track Structure**

Track gage ranges from 4'-1" to 4'-8 1/2". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The track is buried from station 263+00 to 264+00.

## **Sportsman Drive to Blue Ridge Cutoff (Station 306+00 to 322+50)**

### **Roadbed**

The segment is heavily vegetated with large trees within the track section except near Blue Ridge Cutoff where there are smaller cedar trees. At fill locations the edge of shoulder is 12 to 14 feet from centerline of track. In cut sections the ditch is filled in or missing.

### **Track Geometry and Track Structure**

Track gage ranges from 4'-7 ¾" to 4'-8 ½". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies.

### **Blue Ridge Cutoff to 47<sup>th</sup> Street (Station 322+50 to 344+00)**

#### **Roadbed**

The segment is heavily vegetated with large trees (greater than 6" in diameter) within the track section. At fill locations the edge of shoulder is 13 feet from centerline of track. In cut sections the ditch is filled in or missing.

#### **Track Geometry and Track Structure**

Track gage ranges from 4'-8 ½" to 4'-9". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The rail has been cut from station 331+00 to 332+00.

### **47<sup>th</sup> Street to 53<sup>rd</sup> Street (Station 344+00 to 382+00)**

#### **Roadbed**

The segment is heavily vegetated with large trees (greater than 6" in diameter) within the track section. At fill locations the edge of shoulder is 14 feet from centerline of track. In cut sections the ditch is filled in or missing.

#### **Track Geometry and Track Structure**

Track gage ranges from 4'-8" to 4'-9". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The track appears to have been removed across 53<sup>rd</sup> street.

### **53<sup>rd</sup> Street to 56<sup>th</sup> Street (Station 382+00 to 398+00)**

#### **Roadbed**

The segment is heavily vegetated large trees (greater than 6" in diameter) within the track section. At fill locations the edge of shoulder is 14 feet from centerline of track. In cut sections the ditch is filled in or missing.

#### **Track Geometry and Track Structure**

Track gage ranges from 4'-8 ½" to 4'-11". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The track is cut and missing near station 388+50 and the east rail is missing near station 390+50. The track is buried from station 395+00 to 398+00. The track is covered across 56<sup>th</sup> street, however, the rails are visible in the asphalt.

### **56<sup>th</sup> Street to 59<sup>th</sup> Street (Station 398+00 to 420+50)**

#### **Roadbed**

The segment is heavily vegetated with large trees (greater than 6" in diameter) within the track section. At fill locations the edge of shoulder is 14 feet from centerline of track. In cut sections the ditch is filled in or missing.

**Track Geometry and Track Structure**

Track gage ranges from 4'-5 ½" to 4'-8 ½". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The track has been removed across 59<sup>th</sup> Street.

**59<sup>th</sup> Street to Raytown Road (Station 420+50 to 460+00)****Roadbed**

The segment is heavily vegetated with large trees (greater than 6" in diameter) within the track section. In cut sections the ditch is filled in or missing. Drainage is poor throughout this segment. Standing water is noted within this segment at stations 433+50, 437+00, 444+00 and 459+00.

**Track Geometry and Track Structure**

Track gage ranges from 4'-8 ½" to 4'-9 ½". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The track is buried from station 439+00 to 443+00 and 450+00 to 455+00. The track has been removed from Station 455+00 to 460+00.

**Raytown Road to 67<sup>th</sup> Street (Station 460+00 to 479+00)****Roadbed**

Most of this segment has been mostly cleared of vegetation by adjacent landowners within the right-of-way. The area between stations 474+50 and 479+00 is heavily vegetated with large trees (greater than 6" in diameter) within the track section. The track roadbed is mainly flat or on a wide embankment.

**Track Geometry and Track Structure**

Track gage is 4'-8 ½". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The track has been removed from Station 460+00 to 473+00. There is an existing right hand turnout located near station 478+00.

**67<sup>th</sup> Street to Woodson Road (Station 479+00 to 528+50)****Roadbed**

The segment is heavily vegetated with large trees (greater than 6" in diameter) within the track section. At fill locations the edge of shoulder is 14 feet from centerline of track. In cut sections the ditch is filled in or missing.

**Track Geometry and Track Structure**

Track gage is 4'-8 ½". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The rails have been removed from station 480+00 to 484+00. There is a turnout located near station 510+00. The track appears to have been removed across Woodson Road.

## **Woodson Road to 75<sup>th</sup> Street (Station 528+50 to 563+50)**

### **Roadbed**

The segment is heavily vegetated with large trees (greater than 6" in diameter) within the track section. At fill locations the edge of shoulder is greater than 14 feet from centerline of track. In cut sections the ditch is filled in or missing.

### **Track Geometry and Track Structure**

Track gage ranges from 4'-8" to 4'-9". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The track is buried near station 544+00 and is missing from station 545+00 to 549+00. The track is washed out near station 550+00. The track has been removed across Irwin Road.

## **75<sup>th</sup> Street to Blue Parkway (MO-350) (Station 563+50 to 650+00)**

### **Roadbed**

The segment is heavily vegetated with large trees (greater than 6" in diameter) within the track section from stations 593+00 to 608+00 and 643+00 to 649+00. At fill locations the edge of shoulder is 9 to 12 feet from centerline of track. In cut sections the ditch is filled in or missing. Narrow cut sections were noted from station 568+00 to 578+00. Narrow cut section with steep back slopes in rock were noted from stations 588+00 to 592+00 and 602+00 to 608+00. Drainage issues were noted at stations 590+00, 604+00 and 609+00.

### **Track Geometry and Track Structure**

Track gage is 4'-8 1/2". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The rail has been cut and missing from station 593+00 to 596+00 and 606+50 to 642+50. The track roadbed is currently being used as a haul road from station 623+50 to 642+50.

## **Blue Parkway (MO-350) to Brickyard Road (Station 650+00 to 682+00)**

### **Roadbed**

The segment is clear of vegetation from station 650+50 to 657+50 and heavily vegetated with large trees (greater than 6" in diameter) within the track section from stations 657+50 to 682+00. This segment is predominately fill with the edge of shoulder 10 feet from centerline of track.

### **Track Geometry and Track Structure**

Track gage ranges from 4'-7" to 4'-8 1/2". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The track is buried from station 650+50 to 666+00, however the rails are visible at station 658+00. The track has been removed across Brickyard Road.

## **Brickyard Road to 98<sup>th</sup> Street (Station 682+00 to 733+50)**

### **Roadbed**

The segment is heavily vegetated with large trees (greater than 6" in diameter) within the track section. At fill locations the edge of shoulder is 12 to 14 feet from centerline of track. A narrow section exists near station 706+50 where the edge of shoulder is 9 feet from centerline of track. In cut sections the ditch is filled in or missing. A rock cut is located near station 712+00.

**Track Geometry and Track Structure**

Track gage ranges from 4'-8" to 4'-9 ¼". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The track runs through 98<sup>th</sup> Street and the track goes through a tunnel under Bannister Road. Tunnel dimensions are noted on the Shared Use Path engineering plans.

**98<sup>th</sup> Street to Chipman Road (Station 733+50 to 794+00)****Roadbed**

The segment is heavily vegetated with smaller trees (less than 6" in diameter) within the track section. At fill locations the edge of shoulder is 10 to 12 feet from centerline of track. In cut sections the ditch is filled in or missing.

**Track Geometry and Track Structure**

Track gage ranges from 4'-7" to 4'-8 ½". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The track is missing from station 762+50 to 767+00 under Highway 470 and station 768+50 to 770+00.

**Chipman Road to 3<sup>rd</sup> Street (Station 794+00 to 874+00)****Roadbed**

The segment is heavily vegetated with smaller trees (less than 6" in diameter) within the track section. At fill locations the edge of shoulder is 9 to 14 feet from centerline of track. In cut sections the ditch is filled in or missing.

**Track Geometry and Track Structure**

Track gage ranges from 4'-8" to 4'-9 ½". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. A 20-foot section of the west rail has been torch cut and removed near station 829+00.

**3<sup>rd</sup> Street to Longview Road (Station 874+00 to 920+00)****Roadbed**

The segment is heavily vegetated with smaller trees (less than 6" in diameter) within the track section. Larger trees (greater than 6" in diameter) are found from stations 898+00 to 904+00 and 913+00 to 915+00. At fill locations the edge of shoulder is 9 to 12 feet from centerline of track. In cut sections the ditch is filled in or missing.

**Track Geometry and Track Structure**

Track gage ranges from 4'-8" to 4'-9". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The track has been removed across Longview Road.

## **Longview Road to Ward Road (Station 920+00 to 958+00)**

### **Roadbed**

The segment is heavily vegetated with larger trees (greater than 6" in diameter) within the track section. At fill locations the edge of shoulder is 9 to 12 feet from centerline of track. In cut sections the ditch is filled in or missing.

### **Track Geometry and Track Structure**

Track gage ranges from 4'-7 <sup>3</sup>/<sub>4</sub>" to 4'-10 <sup>1</sup>/<sub>2</sub>". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The track is buried from station 923+50 to 925+00. The rail has been removed from station 941+50 to 958+00 and only the ties remain. The track has been removed across Ward Road.

## **Ward Road to Jefferson Street (Station 958+00 to 1021+00)**

### **Roadbed**

The segment is heavily vegetated with larger trees (greater than 6" in diameter) within the track section. Smaller trees (less than 6" in diameter) were noted at stations 1065+00 to 1075+00 and 1090+00 to Scherer Road. At fill locations the edge of shoulder is 12 to 14 feet from centerline of track. In cut sections the ditch is filled in or missing. Drainage issues were noted at stations 976+00 to 977+00 and 979+00 to 982+00.

### **Track Geometry and Track Structure**

Track gage ranges from 4'-8 <sup>1</sup>/<sub>2</sub>" to 4'-9". The crossties are in very poor condition and rail is not attached to the plates or crossties in many locations so the gage varies. The track is buried from stations 959+50 to 961+00, 976+00 to 977+00 and 979+00 to 982+00. The rail has been removed from stations 973+00 to 976+00 and 983+50 to Scherer Road (1012+00) only the ties remain. The track has been removed across Scherer Road and Jefferson Road. The track appears to be intact from Scherer Road to Jefferson Road, however this area is not accessible due to fencing installed across the right-of-way.



# Exhibit C



230+00 N



236+00 S



237+50 E



244+00 S





278+50



280+00



284+00



305+50 E





340+00 E



340+00 W



347+00



350+00





353+00



359+00



366+00

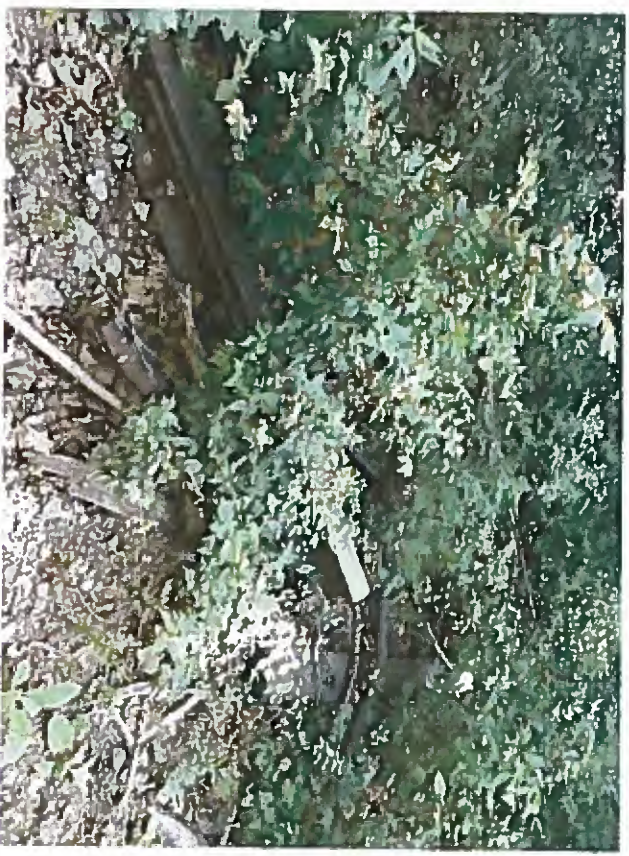


372+00





381+00



388+00

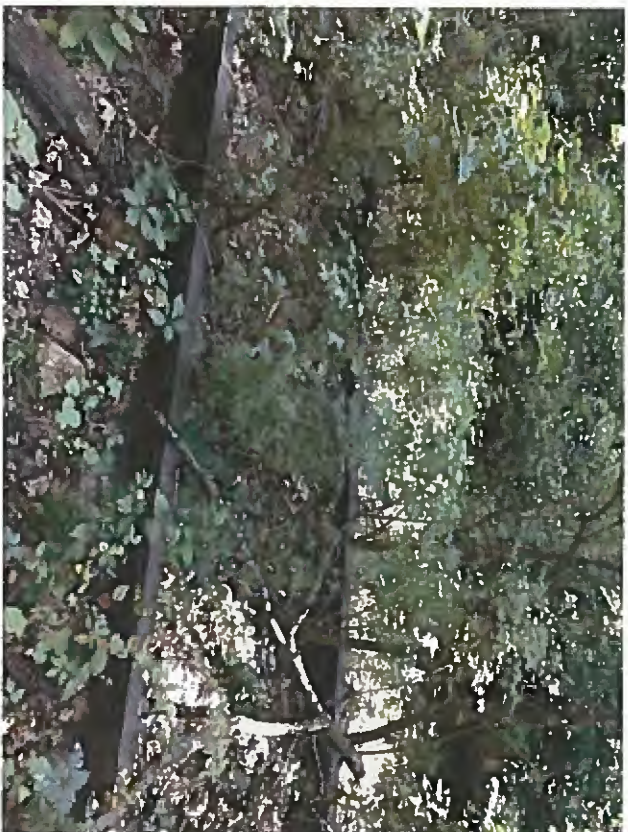


396+50 N



399+00 N





400+00



401+00



411+00





430+00



449+00



455+00





515+00 E



515+00 W



523+00



528+50





680+00



685+00



699+00

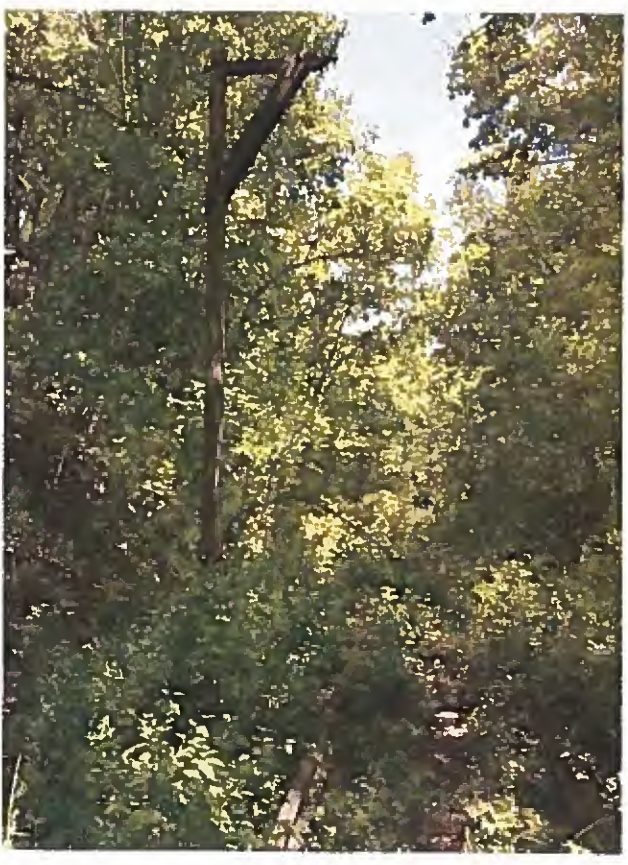


706+00





712+00

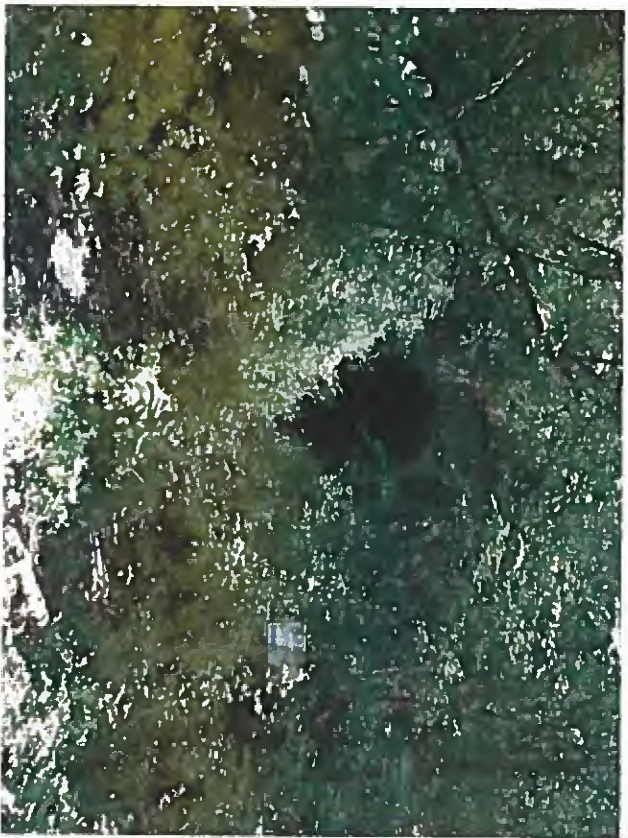


713+00



713+00





721+00



732+00





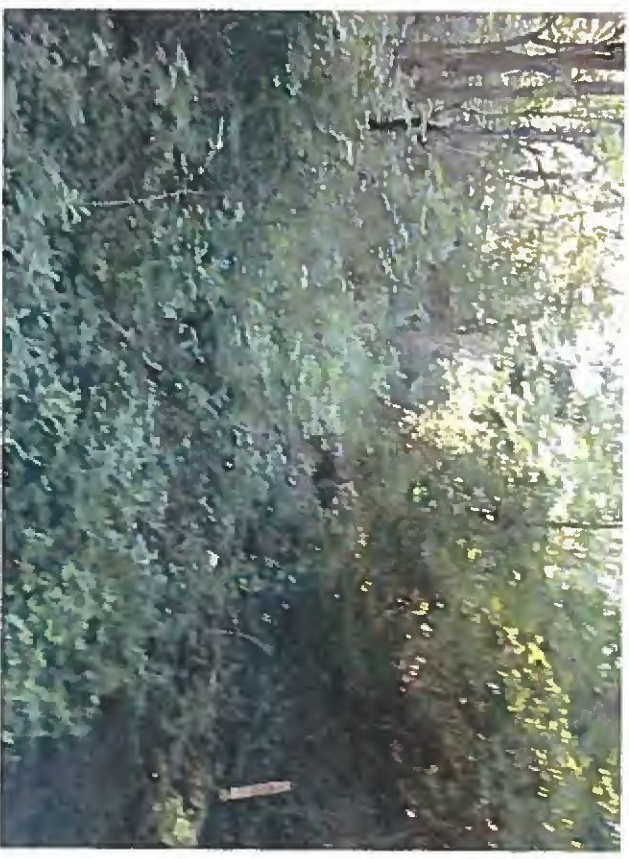
973+00



975+00



979+00



983+50



## CERTIFICATE OF SERVICE

I, Ed Fishman, hereby certify that on March 29, 2019, a true and correct copy of Jackson County's Supplemental Response was sent via e-mail, to the following:

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